

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LOCAL #46 METALLIC LATHERS UNION AND
REINFORCING IRON WORKERS WELFARE TRUST,
ANNUITY FUND, PENSION FUND, APPRENTICESHIP
FUND, VACATION FUND and SCHOLARSHIP FUND
and TONY D'AMICO in his fiduciary capacity
as Director of the LOCAL #46 METALLIC
LATHERS UNION AND REINFORCING IRON WORKERS
WELFARE TRUST, ANNUITY FUND, PENSION FUND,
APPRENTICESHIP FUND, VACATION FUND and
SCHOLARSHIP FUND

Civil Action No
CV-04-4249 (ARR)

And

JUDGMENT BY
DEFAULT

ROBERT LEDWITH, as Business Manager of
the LOCAL #46 METALLIC LATHERS UNION AND
REINFORCING IRON WORKERS and in his
fiduciary capacity as a Trustee of the
POLITICAL ACTION FUND and IRON WORKERS
POLITICAL EDUCATION FUND

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 15 2005 ★

Plaintiffs,

-against-

P.M. _____
TIME A.M. _____

BREVOORT CONSTRUCTION INC
and MICHAEL WHITE

Defendants

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This action having been commenced by the filing of a
summons and complaint on October 1, 2004 and copies of the
summons and complaint having been served by Steven C Avery on
the defendant BREVOORT CONSTRUCTION INC by serving two true
copies on Ms Carol Vogt of The Office of the Secretary of State
at 41 State Street, Albany, NY 12231 on October 25, 2004 MICHAEL
WHITE could not be served and this action is discontinued without

prejudice against him. Said defendant BREVOORT CONSTRUCTION INC. has failed to appear, answer or otherwise defend in this action within the time permitted by law,

NOW, on motion of Kaming & Kaming, attorneys for
plaintiffs, by Joseph S. Kaming, it is

ORDERED, ADJUDGED AND DECREED that plaintiffs have judgment for an order against defendant corporation compelling defendant corporation to cooperate and permit an audit of the books and records of the defendant corporation pursuant to the Collective Bargaining Agreement between the defendant BREVOORT CONSTRUCTION INC. and Local #46 Metallic Lathers Union And Reinforcing Iron Workers for the period January 1, 2001 to present and continuing and to make required contributions; plus costs and disbursements of this action in the amount of \$240.00; plus attorneys' fees in the amount of \$1,200.00, amounting in total to \$1,440.00.

Dated: New York, New York
Sept 9, 2005

_____, U.S.D.J.